

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR ROZIER, )  
Plaintiff ) Civil Action  
vs. ) No. 2010-cv-03362  
MICHAEL J. ASTRUE, )  
Commissioner of )  
Social Security, )  
Defendant )  
SOCIAL SECURITY ADMINISTRATION )  
Interested Party )

O R D E R

NOW, this 25<sup>th</sup> day of August, 2011, upon consideration  
of the following documents:

- (1) Decision of Administrative Law Judge Owen B. Katzman dated June 16, 2009;
- (2) Complaint filed July 29, 2010 (Document 3);
- (3) Answer filed October 8, 2010 (Document 6);
- (4) Motion for Summary Judgment filed November 22, 2010 (Document 7);
- (5) Plaintiff's Brief and Statement of Issues in Support of Request for Review, which brief and statement of issues was filed November 22, 2010 (Document 7);
- (6) Defendant's Response to Request for Review of Plaintiff, which response was filed December 22, 2010 (Document 8); and
- (7) Report and Recommendation of United States Magistrate Judge David R. Strawbridge filed June 30, 2011 (Document 11);

after a thorough review of the record in this matter; it appearing that neither party filed objections to Magistrate Judge Strawbridge's Report and Recommendation; it further appearing that Magistrate Judge Strawbridge's Report and Recommendation correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Magistrate Judge Strawbridge's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is denied.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is dismissed.<sup>1</sup>

IT IS FURTHER ORDERED that judgment is entered in favor of defendant Michael J. Astrue, Commissioner of the Social Security Administration and against plaintiff Victor Rozier.

IT IS FURTHER ORDERED that the decision of the Commissioner dated June 16, 2009 and affirmed by the Appeals Council on May 11, 2010 which denied benefits to plaintiff Victor Rozier is affirmed.

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<sup>1</sup> Pursuant to paragraph 1 of the current Procedural Order for Social Security Review, plaintiff is required to serve a summons and complaint upon defendant; and pursuant to paragraph 3, plaintiff is required to file and serve "Plaintiff's Brief and Statement of Issues in Support of Request for Review", which plaintiff did on November 22, 2010. Accordingly, a motion for summary judgment is no longer a required procedure in an action seeking review of a decision by the Commissioner of Social Security denying plaintiff social security benefits. Therefore, I have dismissed plaintiff's Motion for Summary Judgment.

IT IS FURTHER ORDERED that the Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER

James Knoll Gardner

United States District Judge